**Town of Lake Santeetlah Public Hearing Minutes**

**May 26, 2022**

Mayor Connie Gross asked for a motion to open the Public Hearing. Jim Hager made a motion to open the Public Hearing. Mitchell seconded. All others approved. The motion passed unanimously.

Mayor Connie Gross called the meeting to order at 5:30PM. Councilmembers Tina Emerson, Ralph Mitchell, Diana Simon and Jim Hager were present. Town Administrator Kim Matheson and Town Clerk Emily Hooper were present for the meeting.

Mayor Gross opened with guidelines for the meeting. The purpose for the Public Hearing is to provide the public the opportunity to speak. This is not a question-and-answer session. Gross thanked all residents for joining the meeting and looks forward to all those who wish to speak. Gross acknowledged receipt of all letters that have been sent by email regarding the repeal of Zoning and stressed that the Council will consider each comment and concern. Gross stated that the Council will work together to make sure properties are protected and the Town is an attractive place to live. Gross encouraged all residents to read the full Zoning Ordinance to be familiar with the document. All comments at today’s hearing are limited to five minutes. All participants will be muted until they are asked to speak.

**Public Comment:**

**Stephanie Danforth:** Danforth stated, she had read a lot of letters and information. Danforth’s biggest concern is the discourse between the community. Danforth pointed out that the past Council hated Jack and the comments he made. They hated the name calling and hated everything about what he had to say. Today there is no difference in what they are doing and it’s heartbreaking. The Danforth’s have lived in the community for over 40 years. There has never been any talk of multi-family housing, infringing on other properties. All of this information is hate mongering. You put something in someone’s head and they just expand on it. If you think for a moment, previous Council and current Council and anyone who has a rude word to say about the Zoning, that we as property owners are not smart enough or don’t care enough about our precious paradise to be reasonable then that is insulting. Past Council made mistakes as will the current, but Danforth asked for the people of the community to work together for the good. Stop the name calling, stop saying that the Council was stolen from you. Anyone who has love for what they are doing, who cares about what they are doing and their thumb is on the pulse, the heartbeat of the community; nothing gets stolen from them. We have had a lot of issues in our community and we need to start working together. Danforth is not in favor or opposed to Zoning. Danforth stated that she is not in favor of this particular Zoning because it has not been upheld equally for everyone and that is a great concern. If Zoning is in place it needs to be equal for everyone and lived to the letter. Roger Carlton wrote a letter with three points at the end: there should be areas with setbacks, it should be certain that people are not building multi-family housing. Three paragraphs is about what we need for Zoning. Don’t take our paradise away by putting so many regulations in place that we have to jump through hoops to get things done. It’s not fair and it’s not right. Our community is a good community with good neighbors and I’d like to see it kept that way. Come on people let’s work together and find solutions. Stop the name calling. I’m going to say if people come into Lake Santeetlah to purchase a home and realize how we bicker back and forth our property values will decrease regardless if we have Zoning or not.

**Dean Davidson:** As we all know, the Town of Lake Santeetlah is a one-of-a-kind Town. It cannot be compared to other Towns. The previous Town Attorney compared Lake Santeetlah to Lake Lure and there is no comparison. Our Town has very little commercial property. The Marina stands alone and is not part of the Town. The rest of the Town is for single family residence homes. Zoning for Towns do exist. Zoning came with the incorporation of the Town of Lake Santeetlah in 1989. Davidson encouraged residents to read his situation with Zoning. Things were forced upon him that should not have been and cost his family many months and many dollars. I am not a person who likes to threaten with lawsuits but my attorney gave me a scenario of what could happen should I proceed against the Town. I am not that kind of person, Davidson said. I have been accused of things indirectly from others just from guilt by association of certain people who live in this town. Davidson stressed the importance of working together. Davidson rubberstamped what was stated by Danforth. The problem in the Town of Lake Santeetlah is the full-time residents who are in contact on a daily basis. I see benefits from each of them. I did not have one Council member past or present reach out to me during my ordeal. It is all on Zoom. No one tried to help me in any way all they did was try to assassinate my character and I’m fed up with it and everyone here needs to know that. I hope those who have heard about it will learn from it. This is no place for business. Anyone who is a business owner or involved in business does not act this way.

**Jack Gross:** Gross has owned property in the Town before it was established. Gross attended meetings with the community before the Town was incorporated. The older generation had issues of the Town being established concerned it would become a kingdom. The Town has been a “kingdom” for the past few years and that’s a shame. The Zoning that is in place is heavily opened for litigation. The Zoning Administrator who resigned was ordered by the past Council not to enforce the full Ordinance. The only thing enforced from the old Zoning from 1989 was side setbacks. When a person is hired to enforce the Ordinance and does not do so word for word, item for item he opens both the Town and himself up for litigation. He would be working outside the scope of his job. The Zoning that is in place cannot continue to exist. What happens down the line, who knows we will see? Gross referenced the letters that referenced junkyard. They obviously did not look up the definition of junkyard in the Zoning and as far devaluing property, the home next door just sold for over half a million dollars and Gross has not heard one word about his property. It apparently did not devalue the sale of that house.

**Anne Hager:** Hager is the chairman of the TOLS Planning Board. Hager shared a brief explanation of the development of the updated Zoning Ordinance. The Planning Board members consist of your neighbors with different professional backgrounds. I have several years’ experience in program planning and implementation at the statewide level in Kentucky and also served as an Administrative Hearing Officer. Planning Board members do not receive any compensation. I would like to say a few words about the Ordinance development process that the Council used as well as the defunding of the Zoning Administrator position. Our initial Ordinance was adopted in 1989. NC GS 160-D set forth deadlines for completion of newly revised Ordinances. The Planning Board completed their task within the statutes time frame. Our final Ordinance was adopted in November of last year. Not before November, but November. It was in place from that time forward. Our then, Town Attorney Craig Justus worked hand in hand with the Planning Board throughout the process and ensured that the document met the letter of the law. I’ve heard questions regarding the permitted use table that can be found in Article 7. Mr. Justus warned the Board that should a business not be listed in the Ordinance then it would be allowable. In that case there would be no good way to deal with the application to build. We looked at what works best in this situation and in court and determined that the best practice is to list businesses in the table and require a special use permit as explained in Article 9 of the Ordinance. Note that the permitted use table list those businesses allowed only in the Commercial Services District which is located above Town Hall. Without an Ordinance people can purchase property in the residential district and build whatever they want. The only recourse is for neighboring homeowners to file a suit at their own expense. The Town would not be involved. I would like to address the Zoning Administrator position. I will begin with direct correspondence between Gross and our current Town Attorney. In an email dated March 15, 2022 Gross asked the attorney the following question: As you know my concerns are, the Zoning Administrator, has no qualifications to do this job. Do we have to have a Zoning Administrator in place in order for the Town to have Zoning? It is a complete waste of money. Hager read the Attorney’s response. I do believe that someone should be designated as the Zoning Administrator because you need someone to enforce the Zoning Ordinance. I have seen one Town designate their Town manager as the Administrator. This email was withheld from Councilmembers Hager and Simon. Let’s look at the facts. The Town needs a zoning Administrator to enforce the Ordinance. There are no specific qualifications for the job. The Zoning Administrator is critical in the process of the Ordinance. He/she is first and last contact of the permitting process. Without that position the Ordinance is crippled. The Councilmembers have proceeded to delete that line item from the budget for the Zoning Administrator position. This has already been their recommendation previous to this hearing. So that first step shows that they may have already made the decision to repeal the Ordinance. At the April 28, 2022 Planning Board Meeting there were two motions made. One to restore the Zoning Administrator position and budget line item in the current fiscal year and another for the upcoming budget year. Currently the Town does not have a Zoning Administrator. The past ZA who worked part time is a real estate appraiser who has considerable knowledge about building. He received $9,000 for the 10 months that he worked. Pro-rated on an annual basis he would have received less than $11,000 for a year. That’s not a large amount of money for his work. He resigned in March of this year due to allegations being made against him. He felt he was in a hostile work environment. So, our Town’s Ordinance has already been theoretically removed as there is no one to enforce it. Hopefully your wishes expressed tonight, and email correspondence will not fall on deaf ears of the Council. Your input is crucial to hopefully stop these measures and would lead to the deterioration of our property values. I want you to know that mine and my husband’s property in this town is the only property we own. We don’t own property in Florida or elsewhere in NC. We can’t afford to see our property values here plummet. The Ordinance is a pathway to ensure that won’t happen.

**Roger Carlton:** Carlton stressed that five minutes will suffice in sharing his opinion on a document that he has spent hundreds of hours working on over the last five years. Carlton understands there are many who wish to speak and understands the five-minute limit. This stuff of people hurling accusations at one another is true. There is also something true about Zoning, until your ox is gored you don’t care. The past Council held dozens of meetings going on for hours and hours, allowing people to comment what they did and didn’t like about Zoning. The Planning board held workshops and meetings, advice was received from the Attorney to compose the Zoning Ordinance. Public Comment was heard and the majority of the time there was maybe five people who spoke and shared their ideas. Their ideas were heard during this process. They were not cut off or ignored. Carlton asked, the question now is not the detail of the Ordinance or the accusations being made, but what will happen if the protections of Zoning is removed? Those protections are what the opponents today are saying has created perfection. We didn’t change the code because we wanted to, or it was some dominion thing over everyone. The old code had to be changed because the State law mandated it. What’s the bottom line, I’ve heard nothing yet from the opponents of the current code that of what they would put in place to protect property values. What would be put in place so that when someone builds something a community conflict is not created. Maybe we did too much, maybe it’s oppressive, but please before you vote out, tell us what you plan to vote in. If it is nothing that your going vote in, then your motives are clear.

**Bunky Blalock:** The Blalocks have owned property in Lake Santeetlah over 20 years and have enjoyed it very much. As a part time resident, he has missed out on the controversy, the back and forth and accusations spoke about today. Blalock agreed with Danforth, God has blessed us with one of the most beautiful and peaceful places in the world and it’s a shame that this is happening. Blalock asked for the Council to consider the percentage of income from water and taxes that the part time residents pay and hear them as they speak today. Blalock is concerned with his property values being affected. Everyone needs a good Zoning Ordinance. Whether this is a good one or a bad one I am not saying, but not having a Zoning Ordinance would be a disaster. It will hurt the property values, and anyone coming to buy a house and finds out there is no Zoning would be a very bad thing. My input and hopefully the input of other part timers would be that we need a good Zoning Ordinance, and we don’t need to fight about it.

**Beth Carlton:** Carlton has lived at Lake Santeetlah permanently since 2013 and owned a home in Lake Santeetlah since 2003. Carlton worked hard with Ann as a Planning Board member to create the Ordinance that is currently in place that is being proposed for repeal. Carlton added that they worked hard to meet the responses that came in from the survey. The survey received a very good response rate. 53% of homeowners responded which is remarkable. Carlton shared a scenario of living at Lake Santeetlah without Zoning. Carlton stressed, what is before us today is a repeal of Zoning. Nothing has been brought forth to replace or improve. Repeal of Zoning is the term being bought forth. I can come home one day as a part time or full time resident and find the lot next door being is being clear cut. I know what that means, someone is building a home. Now I see a footer being poured for their foundation. Oops, it’s on the property line! Well, that never happened before. I’m going to go over to Town Hall and see what’s going on. Perhaps there was a variance made and I missed it. I go in and talk to staff there and I’m informed that we no longer have Zoning, you don’t have to fill out an application and no one has to review what you have right outside on your property line. Lake to road, side to side and you can go for it. Wow, that can’t be, all over Town we have setbacks that were from 1989, but not anymore, Zoning has been repealed. That doesn’t make me feel good because I see a very large footprint being dug next door. Where can I go next? I can’t go to the Town they have absolved themselves of that. I will go to the County. The County only issues a building permit and that’s already underway. Perhaps I could call my State Rep. I am very worried about this. No it’s a local matter. Where else can I go? I can go to the health department where County sanitarian is and they can at least through public record let me know how many bedrooms the home has been approved for. I think that might be the only help I might get. The Town cannot help me, apparently building right next to me is approved. What can I do? I have no regulations that I can go for that would at least give a 10ft. setback between homes. There should be a setback from the road. No one should be able to build right up to the road. That doesn’t make any sense. Where are you going to park your cars and boats? At least the current Ordinance allows for two parking spaces which would even accommodate a boat. So what is my choices? My only choice is to find the best Land Use attorney that I can find that I would gladly pay for. Then who would I go for, the Town for not helping me do anything, the owner of the home, the County, possibly but there only issue is sanitation. I am left with no other option but litigation. Which is exactly what a number of residents have mentioned tonight. My basis is if you take away Zoning then you will encourage litigation because you have no other choice. There are no applications, no reviews, and no variances. It is up to the individual homeowner to watch what is going on around them. No one is watching out for them anymore. Do we really want to put people against each other like that? I don’t think so. That is why we need Zoning. Zoning is what will protect our community, the beauty of our lake, the room between our homes, and the views that we get. Zoning will do that.

**Diana Simon:** Simon spoke on behalf of resident Rob Kemp. Simon read Kemps statement. Kemp is a full-time resident who was unable to attend as he is caring for his mother in the UK. To the Councilmembers, Town of Lake Santeetlah I am writing to record my unwavering opposition of the proposed removal of the Town of Lake Santeetlah Zoning regulations. I urge the Council and residents to vote against such a step. While I understand that historically there has been some issues with the code and its need to be updated these longstanding rules inform all of us what we can do with our properties and what our neighbors can do with theirs. The Zoning code has existed for over 30 years and work has been going on to update it for some five years. Half the population of Lake Santeetlah have contributed their views on the code. I oppose any move to throw out all this work and disregard the views contributed by the people. The current version of this code has only been in place since November 2021. So why is a bare majority of our Council now proposing to throw away all that work and disregard such widely held views. If the Zoning regulations are removed none of us will have certainty about how the situations of our property will be affected over any future time period. What will be built next year. What will be built next door? How will our views and access to sunlight be affected over the coming years? Will the neighboring lot be put to disruptive use? While some properties are subject to restrictive covenants this is not universal. Any enforcement will be: piecemeal and down to the neighboring property to instigate and fund. I understand that the Town currently does not have a Zoning Administrator. Every effort must be made to replace a replacement or bring back the previous Administrator. Funding for the position must be maintained. This will ensure that the Zoning code is properly and swiftly applied whenever an application is made otherwise an unnecessary hurdle will be created. What should be a useful tool for residents will become a barrier to progress. The Administrative cost for an Administrator has been under $8,000. This is a small investment for us to make in return for our peace of mind. I understand that other Towns have been advertising for a full time Zoning Administrators at a higher cost than this. However, the best comparator is what we were previously paying for a part time position that our small community needs. I attended the most recent Council meeting that Zoning was discussed. It was quite obvious that the overwhelming majority of residents oppose the removal of Zoning. I would hope that the Council would fulfill it’s obligation to represent the residents of Lake Santeetlah by implementing our collective wish that this beautiful patch of mountain and lakeside be protected and maintained.

**Mark DeVerges:** DeVerges a resident at Lake Santeetlah, has seen the other perspective of Zoning as he served on Buncombe County’s Zoning Board of Adjustment and been actively involved with various other housing and development subcommittees. The Devil is in the detail. DeVerges referenced David Corey’s email, stating no one wants the Wild West nor do residents want the Beverly Hills Zoning to the point of measuring your grass blades. DeVerges also referenced the stated made by Roger Carlton, “until your ox is gored you don’t care.” This hit home for DeVerges. When looking at lots prior to purchasing at Lake Santeetlah and now the owner of a lot, the environmental factors for septic should be considered. If the Town offered septic then I could see the need for Zoning. With the topography, there is a need for high level environmental scrutiny for septic fields and back up fields. The lot size is significantly smaller by observation and more restrictive than the current footprint that would be developable under the current Zoning code. For this reason DeVerges feels that there isn’t a need for Zoning. For small towns that don’t have a large population of people to serve on the Town Council and other subcommittees it becomes weaponized. As a new homeowner at Lake Santeetlah reading the minutes and seeing the hostility that the Town has exhibited with prior Council and just members of the community is painful. DeVerges paused significantly before investing into the Town. I see the Zoning as written compromises and encourages that continued hostility. In this current process pulling from a Zoning Administrator and Zoning committee comprised of nearby property owners is going to minimize the quality. Individuals looking to develop or build a home having a smooth process is important. There were several letters that seemed portray a very unbalanced and unfair process and this would be likely to continue going forward. Therefore, for lack of need, the lack of resources involved to support, recruiting and retention for a quality Zoning Administrator that has the depth the training and knowledge needed to enforce, and the quality of process the Zoning code as written would be used more as a weaponized tool. Zoning would continue to encourage and inflate hostility among the small town of Lake Santeetlah.

**Keith Predmore:** Today we are faced with the elimination of the very foundation of our beautiful sanctuary. A document that took nearly six years, thousands of dollars and countless hours of work by a number of citizens to develop. Now property values are at risk, no rules for building and development will exist and the specter of staggering assessments is a very real possibility. The vendetta, retributions and reprisals of the illegitimate majority of the Town Council continues its goal of dismantling our township. I am vehemently opposed to the elimination of the Town of Lake Santeetlah’s Zoning Ordinance. Let’s review the first six months of this board’s leadership leading to today’s proposed actions. First, not one member of the Council’s majority was elected as a declared candidate. All three were elected by write in votes. A suspicious event at best. These three have voted in a block in every Council action since the election. Second, they fired the Town Attorney. One of the most respected attorneys in the state of NC. This attorney was a key player in ensuring that this Ordinance was not only in compliance with NC Statutes but also attended numerous Planning Meetings and several public hearing and Council workshops during the development and approval process. Third, they terminated approximately $20,000 income from the Tourism Development Authority which represents approximately $667,000 in rental income taken out of this town further weakening the infrastructure. This action not only deprived the Town of needed income but resulted in a pay cut for 2/3rds of Town Staff. Fourth, they forced the Zoning Administrator to resign. This was the first step in setting up today’s charade. Additionally the proposed budget completely eliminates funding for the Zoning Administrator. This is a clear indication of intent to pursue this action. I asked the Town Council to tell our citizens of one positive action that they have accomplished for the good of our Town and Zoning. Our security, our roads, our water, and the protection of our property values. It’s time to cease this gross agenda of vendetta, retribution and reprisals. I urge the Council to move on with business of good governance for the good of the people and not against the people.

**Jim Pittinger:** Pittinger thanked Vice Mayor Ralph Mitchell for his military service. Thank you for defending our rights and freedom as a US citizen. Now, Pittinger asked Mitchell to stand up and help protect the rights of the homeowners at Lake Santeetlah. We as homeowners have expressed in numerous letters/emails to the Council our opposition of a few misguided individuals to control the wishes of the majority. Vice Mayor, in Town meetings during any discussion you have never shared your insight on any of these issues. You have the opportunity to save this wonderful community that you have been a part of since 1976. Please stand up against the intent of a few individuals. Be a true statesman and don’t blindly follow the direction of few misguided individuals. Any person holding public office, regardless of the means used to obtain that position would hopefully have moral and ethical standards when it comes to representing the majority of the homeowners on this issue. Otherwise we don’t have a form of representative government but a form of dictatorship being forced on the homeowners that have no representation. An example of this is at a recent meeting when not one homeowner spoke in favor of eliminating the Zoning Administrator position but three Councilmembers ignored the requests by homeowners and voted to eliminate the position. Pittinger asked Hager or Simon to ask the Town Attorney about the ruling and regulations. Maybe direction is needed from a legal standpoint on this issue. It is becoming painfully apparent that these sessions for the homeowners input is nothing more than a political theater for the Mayor and her comrades. They will listen but not take any action because they know they have the votes. Again, Mr. Mitchell you have the power in your vote to keep the Zoning Regulations that have served our town so well. Pittinger asked Mr. Mitchell to please stand up for the homeowners and not the influence of a few individuals.

**Jonathan Keith:** Keith is a resident of 13 Black Bear Trail been visiting Lake Santeetlah since 1981. Keith is an engineer and land developer in NC, SC, GA and FL. I cannot responsibly plan and develop property without Zoning and Land Use Regulations. It is beyond me the vindictiveness and lunacy that is driving the repeal of the Zoning and Land Use Ordinances. If repealed how can the Council protect properties without a Zoning Ordinance? If the code is not being properly enforced or is overreaching then amend it, not repeal it. This is the normal process. The Council should be conducting workshops with residents and property owners to discuss proposed changes to the code. If that is what needs to be done. As it pertains to the Towns Zoning Administrator, Does the Town need a full time Administrator? I can’t imagine that there is that much development activity that would justify a full time employee that does that. In many small towns that Keith works with in the quad-state area they do not have a full time Administrator but contract with an outside planning and engineering consultants which are duly licensed and qualified to interpret and rule on the Land Use Regulations. Secondly, funding would be through permit applications. The applicant establishes an escrow account with the Town and effectively pays the outside consultant to interpret the code on their behalf. These are ways for the Council to save money and not have to hire a full time Administrator but to ensure that the individual enforcing the code is qualified. Again, if the issue is the code is overreaching or not being properly enforced that needs to change. It needs amending not repealed. Keith appealed to all individuals present to use common sense on how you approach amending the code without repealing it. It makes no sense to repeal it, you have a living document. These type of documents are modified on a continuous basis. It should be no different at Lake Santeetlah.

**Tanya Capeling:** Capeling is a resident at 68 Santeetlah Point and has owned at Lake Santeetlah for approximately five years. Soon after becoming homeowners five years ago Capeling was asked to participate in city business (Zoning and TDA). Capeling agreed to do so to ensure that her property value remained high. Capeling worked with Bill Piel, Anne Hager, Beth Carlton and Craig Keith for several years to work on this Ordinance. We put a lot of thought into this document, we asked for input from the Town, from our neighbors, I put my heart into this because this is my property, this is my retirement and where I hope to grow old. I have to be honest, I don’t really want to grow old there anymore. The atmosphere there is toxic. I have visited my house two times since the election because of the feeling among the Town people. It’s a sad place to be right now. To think that the majority of the Council just wants to eliminate what we have worked so hard to do, with the input of so many people without giving us anything to replace it with seems as though you don’t care. You don’t care what we think, what we are saying, you don’t care that there are over 100 people on this call. I think you have already made up your minds, I think you already know how you’re going to vote. I want you to know that we are all going to be here to hold you accountable for the decision you make. I beg you not to repeal the Zoning Ordinance.

**Mary Roemer:** I oppose the repeal of the Town of Lake Santeetlah Zoning Ordinance. The bottom line, if we throw away all Zoning, if we have a total lack of zoning the integrity of the community and the very basic aspects of the community that we take for granted are going to be threatened. We really need Zoning to retain those things. We need Zoning to keep the Lake Santeetlah community beautiful. Graham County is a rural county and it has no Zoning Ordinances. That is why we see junk in Robbinsville right off the roadway coming into and leaving Town. I think everyone would agree that doesn’t help to attract tourists to the area and hurts property values. If Lake Santeetlah does the same thing, we also would have no protections. We want to retain the character of the community which is essentially that of single family homes. It is my understanding that there several clusters of lots in which higher density housing, multi-family units could be placed. If we don’t have restrictions on that we could see a situation where a single family homeowner could be next door to multi-family units. That homeowner would have to endure a high level of noise, potentially a high volume of renters, and traffic problems. There was a proposal to build a multi-family unit years ago and if we didn’t have Zoning, couldn’t that proposal be resurrected and go forward. A shout out to the people who put so much work into the development of the Ordinance. They done a ton of work and research. So basically, I’m seconding what Mr. Keith stated earlier. If there are issues with the Zoning Ordinance work through the process of amending it but don’t throw the baby out with the bathwater. Specific concerns should be brought up to the Town Council to be referred to the Planning Board and then members of the Planning Board should listen to the community members and amend the Zoning Ordinance if necessary. It is very important to the healing of this community to move forward together and not separately. This can be done. There is no reason we can’t do this. Roemer asked that the Council work together, move forward in a respectful manner, give it some time and work with the Zoning the way it is not and amend if necessary.

**Susan Robinson:** Thank you for the opportunity to speak. Robinson is against repealing the Town of Lake Santeetlah Zoning Ordinance, Zoning Map and its entirety. Robinson thanked everyone for their thoughts and submitting letters of their concern. Robinson agreed with Danforth that we have to maintain a civil tone. I have been a homeowner in Lake Santeetlah since 2018 and it has been my observation that many people are reluctant to participate and engage in governance here because the governance issues are often characterized as personal or personality problems. I want to say to all of us, we can’t let these characterizations by any Councilperson or members of the community deter us from manners that concern our tax dollars, our property values, and the beauty of this lake and community. I also would like to note that it is not a personal attack to provide the names of public officials to identify who is passing policy. It is important that we keep our focus on the proposed repeal of Zoning. The intent is clear, three councilpersons (Gross, Emerson and Mitchell) have voted to have this hearing and instructed the Town to advertise to consider, the repeal of the Town of Lake Santeetlah Zoning Ordinance and Zoning Map and their entirety. On to what really matters, Are we going to enjoy protections from the Town of Lake Santeetlah for our beautiful community and Lakeside. In my letter I noted, that the value provided by the protections of Lake Santeetlah Zoning is and can remain a bargain. The Zoning is used to protect from multifamily development on remaining lots. There have been past proposals and there are clusters of lots of which this could occur. Without Zoning these developments could come. Given there is no impact fees our taxes would have to increase to pay for road damage due to development construction. With increased density we will have to fund increased infrastructure such as water expansion. This translates to increased costs for current homeowners. Zoning does increase the property values according to appraisal experts. The homes in Lake Santeetlah range from $300,000 to $2,000,000. It does avoid costly building errors as Beth Carlton noted. Land covenants must be privately litigated. Emerson, our finance officer has overstated the required budget needed to support Zoning. She compared our needs (apples) to the needs of larger municipalities (oranges). She argued that the Zoning Administrator must be a full time position. She did not try to calculate the annual expenditures based on past expenditures or used a reasonable scenario of a part time employee (8-12 hours per week). I am optimistic that I think the Zoning Regulations can run smoothly between homeowners and the Town with education and good managing practices. Everyone benefits when the rules and process are made clear. I am still figuring the Ordinance and it could be that Councilmembers and staff do not completely understand the Ordinance. Robinson asked for the Planning Board to provide an, At a Glance, summary sheet to the property owners on the process and fees. There have been changes under the new Zoning. It is easy to make a mistake. The hardest part of creating the Zoning for our protections is over. So now let’s work out the detail through incremental amendments and collaboration. I know there are people who are frustrated with past Zoning rules and had to negotiate those rules and the rules were not been clear (is there anyone who doesn’t hate red tape). We have had a learning curve. This Ordinance seems to be more clear and the process should be more straight forward and streamlined. Perhaps the clarity of the code could reduce some of the allowed subjectivity that some have noted could be introduced in approving building applications. So let’s work together, that’s my point. Let’s pass a budget that has funding for a Zoning Administrator and modest fees for the Planning Board activities (training). As a community, let’s remain strong and united in the face of the need for Zoning. We can’t be distracted by issues unrelated to this issue. We must continue to insist on keeping and enforcing our improved and enforceable Zoning protections. Just one note, we are not going to be able to respond to the Councilmembers comments we will need to work together to do some fact checking and look into the claims stated.

**Diana Alizadeh:** Alizadeh stated her favoritism for Zoning in Lake Santeetlah.

**Betty LoBue:** LoBue is pleased with the turnout both by emails and members on zoom. This shows the care and concern for the community. LoBue asked that all council members be willing to listen to the comments, read the emails and consider each one. We would all like to know what the specific objections are to the current Zoning. I have been a property owner since December 1981. Zoning was established in 1989. The Planning Board worked timelessly to revise and expand the Zoning laws to bring them into the 21st century. Their efforts need to be respected. I am urging you (the Town Council) to protect the property values of all property owners in the town by controlling density, requiring fire allowances between residences and preventing the outpacing of development over infrastructure and protecting our beautiful mountain from excessive deforestation. By eliminating our existing Zoning laws you will open the door to uncontrollable overbuilding at the expense of many for the profit of a few. Please consider the will of the majority of the property owners and keep our Zoning regulations in place. If you were dissatisfied with your homeowners insurance, you wouldn’t just drop it and a few days later call around to see if you could find another one. There is a process. In between time, you drop one insurance and go through mitigation processes to get a new one. There is too much time you would have been uncovered and unprotected. We can’t do that with our Zoning Ordinances. We can’t throw them into the Lake and not be covered in the meantime. Please take this one logical step at a time. Please retain the Zoning laws until better ones can be put in place.

**Danny Greene:** Greene’s parents bought their first home in Lake Santeetlah in 1971. Greene has been a world traveler and his favorite place in the whole world is Lake Santeetlah. Many have commented, we love Lake Santeetlah for the same reasons. It is so peaceful. It is serenity and I plan on living there until the end of my days. I don’t care how you vote, how you believe. We don’t need to talk politics. We have a common desire, we want the best for Lake Santeetlah. I don’t understand, as many of you have eloquently stated to throw away the Zoning Regulations doesn’t make sense. I have not heard what the plan will be. Many have asked, what is the plan? That is my question. Let’s work together, let’s figure out if it’s not perfect let’s make it better. We can have workshops whatever is needed. I am against the repeal of zoning regulations whole heartedly.

**Bill Piel:** Piel is a part time owner at 165 Snowbird Trail. It’s really great to see so many people participating showing their concern. I am a member of the Planning Board and helped to write the current Zoning Ordinances. We worked over a three year period to construct an Ordinance that would met the unique needs of our community. We started by surveying all property owners to determine what type of community they wanted and what their concerns were. We received responses from a majority of the property owners. These responses were summarized and used extensively when developing the Ordinance we have today. Set back rules, building height restrictions, and vehicle parking are a key part of the Ordinance. Buildings not currently meeting the Ordinance were grandfathered. The need for variances due to size of our lots and geographic uniqueness was anticipated. The town attorney helped to prepare a set of Ordinances that did not conflict the NC State Regulations. Everyone felt the regulations were fair to all and the Town Council adopted them at the end of 2021. The public response is overwhelmingly against repealing the Ordinance and the Council should follow their direction. If changes are needed they can be made as provided in the plan.

**Charles Mathews:** I get the feeling with this Council and their behavior up to this point that this is definitely a kangaroo court. We are flapping our jaws about what we want as far as Zoning is concerned and I think we are being ignored. I hope that’s not true. If you think we have problems now with neighbor against neighbor if you take away law and order you’re going to have chaos. That is what our board is trying to shove down our throats. Without zoning we are going to have chaos. I can’t understand why they would be taking this position. Why this would even be a subject. We are not considering it, we have voiced our opinions. I think Beth nailed it. Litigation will come from doing away with Zoning because there is no other way to solve differences between neighbors. Everyone who has spoken tonight about the differences between residents at Lake Santeetlah better just look out. If this Council repeals Zoning, which they have the power to do then you are going to have litigation. There is no other way for neighbors to settle differences. I am very concerned about this. The comments by the Mayor tonight, thank you for your comment, thank you for your comment over and over. I am not making comments, I am telling you what the future holds for us. The Council is supposed to represent us. I hope they do what they are supposed to do. Mathews asked if anyone have there are statistics of how many landowners want to repeal Zoning and how many want to maintain it. Mayor Gross informed Mathews that this is not and question and answer period. Gross stated that Matheson has not completed that detail at this time.

**Phillip Rhodes:** Rhodes purchased a home in 1996 in Lake Santeetlah. Rhodes could not be heard for his comment due to technical difficulties.

**Robert Lampton:** Lampton purchased a home in Lake Santeetlah in 2020. Long time Lake Santeetlah visitors and renters prior to purchase. Lampton stated, I do not know many of you and have not met many of you so I am not going to judge. I am a real estate appraiser and been in real estate business, investment properties and worked with county in various stages. I am strongly opposed to repealing any Zoning. I feel that it is a good point to work with what we have. It may not be perfect but it can be a living document. I see no purpose in eliminating Zoning 100%. It is very important to conformity. It is very important to real estate value. Our neighborhood conforms pretty well, similar uses, single family residential for the most part. That’s how we would like to keep it. We don’t want to open the door for all different uses to come in. In Buncombe County a steep slope ordinance was enacted about 10 years ago. Prior to that people could build on steep slopes. People knew this was happening and they had a time limit when that ordinance was going to go in place. Developers all over the County took every piece of property they had and bought steep slope properties and immediately filed plats for future development so they were grandfathered in. If we have no zoning, developers are people who want to make money and a no Zoning situation can open that door for them to make more money. It benefits them, but does not benefit the rest of us. They could come in and put in multiple tiny houses. Building next to a lot line, do you like the sun coming in the side of your house, well you could have a six story building right on the lot line and suddenly you might not get your sunset view or your morning sun. I think it’s foolish to get rid of zoning all together. I think we can work with what we have and I don’t think any zoning has effected anyone in the past so I don’t understand where the harm is at this point.

**Adam McCall:** I feel like I have met a lot of you all. I am fairly new coming into this particular issue. I consider myself as local as you can get. I was born in on a dairy farm in Maryville TN. I was born in 1977. My grandfather and great uncle worked for Alcoa and they brought me to Lake Santeetlah when I was 3 or 4 years old to fish. I have been coming ever since. I purchased 73 Island Drive in 2017 and sold in 2019. Recently purchased a home at 4 Lakeside Trail. This is a substantial investment for us. I have been on the sidelines during this whole thing tonight just listening to the comments and I really feel that there is a solution. McCall noted that so many have commented that if the current Zoning Ordinance needed a change then change it. I am not an expert nor will I claim to be on Zoning, but if the current Ordinance needs change I ask the council to genuinely consider change instead of repeal. Do what is necessary to amend the Ordinance as opposed to repeal. I gotta say, repealing them and not having zoning at all would be very bizarre. It would be very frustrating. There is a lot of words said tonight that may have been said in anger. I am going to make the assumption that there is a lot of backstory that I certainly don’t know. We have enough discourse in the world today and this is not a hard problem. There is a solution. We all come from various backgrounds in our work world and this is not a hard problem. We need to adapt the current Zoning but by all means getting rid of it is not the answer.

**Tina Emerson:** The question of Zoning came up a few months ago when reviewing Budget. I brought up the fact in order to do Zoning right we should have a certified Zoning Administrator. Zoning is such a huge liability for the town, the cost would increase and we needed to be able to budget for this. This lead to a meeting Jim Hager called with the Zoning Administrator and the Mayor. During this meeting the Zoning Administrator was asked if he was willing to take classes and become certified. During this discussion the ZA stated that he was asked not to enforce the Zoning Ordinance by the past Council. Some people were given a heads up about this and asked to come to the next meeting and voice their opinion. I requested that we hold a public hearing so that we have a chance to hear from everyone since each of us have a vested interest in our properties here on the mountain. I thank the 93 people on the call today. We are listening. I have taken notes from everyone. First, I asked, have you read the complete zoning with a critical eye? If not please do so. Second, have you noticed in your time owning a home here how many homes have been built, renovated or added on to? On page 25 the code stated, No building or structure shall be erected, moved or added to or structurally altered until a certificate of Zoning has been issued. This is in the new Zoning and was also in the 1989 Zoning. This hasn’t changed. Have you questioned that all homes that have been built, renovated, or added on to have gone through the Town process. That would application, approval, variance hearing approval or denial. How many homes are currently non-conforming with this new Zoning Ordinance? Please look at your own home. The setbacks, height, steps, decking, driveway, and parking. Are you conforming or non-conforming? Read the Zoning rules to see if your house caught on fire could you re-build as you would like. A duplex, a single family semi-detached, two houses attached to one wall dwelling two families are allowed in a residential area according to the new Zoning code. That’s on page 7, 20 & 21. Some comments have been that repealing the Zoning would allow multi-family dwelling, when actually the new zoning already allows for that. Also adult entertainment, planned unit development, apartments, bars, duplexes, flea markets, gas stations, hazardous materials hotels, junkyards, kennels, pawn shops, TV towers, dry cleaners, solar farms, and more are all allowed in the Town of Lake Santeetlah with the new Zoning. The Town Council, not the Planning Board or Board of Adjustment approves the application for special use permits. All those listed above are special use permits and the Council has the sole authority to approve adult entertainment. Something to think about. The non-conforming section of the Zoning Ordinance is only 2 ½ pages and there are nine pages that have to do with signs. More homes are non-conforming and more guidance would be needed in that area than signs. Also under grandfathering in the new zoning if your house burns down or is destroyed by natural causes you must reconstruct exactly as it existed in size, shape, height, footprint and setbacks. If you deviate from the prior structure that was destroyed you are subject to the new Zoning or you must request a variance. If we keep the Zoning it needs to be fair and equable to everyone. Variance should be rare, not most homes. As it stands there are approximately 1/2-2/3 of the homes non-conforming if you look at stairs, railings, setbacks, height. The Planning Board should be willing to consider all homes, all situations and all lot sizes when they take into account Zoning. I feel as though that has not been done in the past. From all the letters submitted and comments received it seems that Zoning could be limited to two issues: limited development and keeping the mountain the way that it was when you first found it whether it was fifty years ago or five years ago. Most people it seems want to have the feel of peace, quiet, serenity and chance to have a slower life. I believe my job tonight was to listen to your opinions and take everything you said into consideration. I would like to ask the Planning Board to provide a formal written recommendation before the next Council meeting on June 9, 2022.

**Rebecca Kirson:** Kirson asked, is this a democracy, because I feel like us sharing what our thoughts are in terms of what our preferences are for the Zoning actually don’t matter. I am kinda confused about us sharing our thoughts. It feels as though decisions have already been made and things are going to go the way they are going to go. It is really frustrating. Homeowner after Homeowner is saying we don’t want to repeal Zoning. If the current zoning is strict and it needs to be amended then lets do that. To completely throw it out sounds ridiculous to me. My husband and I purchased in 2018 and we love our home, we love Lake Santeetlah. Let’s listen to the professionals, the people who have worked with Zoning, the developers, the real estate agents who have far more experience that a lot of the people on the Council. It would make sense to listen to the people who are professionals. It feels like it’s an exercise that we are all going through. When questions are asked, what are we going to replace this with, what are the numbers telling you, we are met with a fake smile and a nod and a lack of sincerity. I really question the true motivations are. Are we doing what’s best for the town or are we doing what’s best for a few select individuals.

**Alan Davidson:** The issue with the current Zoning Ordinance is, the day it was passed, my families two residences lost value. They immediately became non-conforming. I understand that the argument is there are grandfathering rules for homes that were built prior to the Ordinance being passed. The zoning can be amended and the grandfathering can be removed. Officially making my residences illegal. I hear a lot of people talk about real estate values. My family has had residences for over thirty years and they have tripled in value. If we have been here long enough we have all experienced the same elevation of our properties. A poorly written and poorly implemented zoning ordinance only makes you feel good when you go to bed at night it doesn’t accomplish anything. If you want to fix the Ordinance so be it. I am going to fight this Ordinance and its existence for as long as it exists because it has cost me value. We are where we are because of something that was in place for fifty years and I assume when you walk around the mountain you like what you see. I don’t see any big problems. Tomorrow it could all change. I don’t suspect it will knowing what I know about development and how Towns and municipalities evolve. People come to a place with a likeminded attitude. That’s why they invest their hard earned dollars there. They don’t want to come in and build some kind of crazy development that doesn’t fit the atmosphere. I am for full repeal or at the very least significant rewriting of the Zoning Ordinance as it stands now.

**Jim Hager:** Charles Mathews asked the question what percentage of the emails that were in favor of repeal. As of yesterday afternoon 97% were in favor of keeping the Zoning. Tonight we have had 25 speakers and 20 were in support of keeping the Zoning and five were opposed. The process should be, if there is a problem with the Zoning Ordinance then it should be referred to the Planning Board. Tina Emerson statement regarding the prior Zoning Administrator being told not to enforce Zoning baffles my mind. There is a recording of that meeting at Town Hall and I’m sure she would be glad to share it with anyone. There was never any agreement with Brian Farley not to enforce the Zoning. Obviously, I am in favor of the current Zoning Ordinance. I know all the hard work and money that went into Zoning. We had great legal advice while going through the Ordinance. To characterize all the things in the use table that are allowable allows for confusion. They are only allowable if the Council votes and approves. I don’t think anyone on this Council past or present or future would ever vote for adult entertainment. The attorney advised that if they were not listed then they are automatically allowed with no vote necessary. Hager thanked everyone for all comments that were received on this matter.

**Connie Gross:** Gross asked all those present to read through the current zoning. See how it personally effects your property and what would happen if you were to lose your home to a fire or natural disaster. I would also like for you to hear the recording of the meeting held on April 12th at 10:00AM. This will allow you to find out for yourself what was said. I have to say there were far more questions than answers at that meeting. I do want to say that everyone’s points were well taken. I am so thrilled to see this many people fully involved in what is going on within the Town. I have always said there is a solution to every problem, let’s find that solution. Let’s work together and figure out what’s best for this town. Nothing has been decided by the Councilmembers. I want to work together and find a solution.

Emerson made a motion to close the hearing. Hager seconded. All others agreed. The hearing was closed at 7:16PM.

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Connie Gross, Mayor Emily Hooper, Town Clerk